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March 2, 2023

BY ECF

Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Crosley, et al. v. Banks, et al.*, 22-CV-07101 (MKV)

Dear Judge Vyskocil:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel assigned to represent the Defendants New York City Department of Education (DOE) and Chancellor David C. Banks in the above-referenced action, pursuant to which Plaintiffs seek implementation of an administrative impartial hearing order arising under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §1400, *et seq.* I write to respectfully request a thirty (30)-day extension of time for Defendants to file their papers in opposition to Plaintiffs’ motion for summary judgment and in support of Defendants’ cross-motion for summary judgment, and all subsequent dates in the briefing schedule.

On January 26, 2023, the Court endorsed the parties’ proposed briefing schedule regarding their respective motions for summary judgment. (ECF No. 35). Pursuant to that schedule, Defendants’ time to oppose Plaintiffs’ motion and to file their on cross-motion for summary judgment is March 9, 2023; Plaintiff’s reply/opposition papers are due March 23, 2023 and Defendants’ reply papers are due April 6, 2023. Since that Order, I have decided to leave the Law Department for employment elsewhere, with my last day being tomorrow, March 3, 2023. Although Plaintiffs filed their motion last Thursday, February 23, 2023, I have not been able to begin working on Defendants’ papers as I have been busy attending to matters relating to my departure from the office.

Although the case will soon be reassigned to another attorney in my division, that new attorney will need time to familiarize themselves with the file (including the administrative record) so they may prepare an appropriate response to Plaintiffs’ motion and in support of Defendants’ cross-motion. Accordingly, I respectfully request an extension of time for Defendants’ to file those papers, and all remaining dates in the briefing schedule, by thirty (30) days. If granted, the new schedule will be as follows:

- Defendants' Cross-Motion for Summary Judgment & Opposition: April 10, 2023;
- Plaintiffs' Opposition: April 24, 2023;
- Defendants' Reply: May 8, 2023.

This is Defendant's first request for an extension of the briefing schedule. I have discussed this matter with Plaintiffs' counsel, who consents to this request. If granted, this request will not impact any other dates or deadlines in this case.

Thank you for Your Honor's consideration of this request.

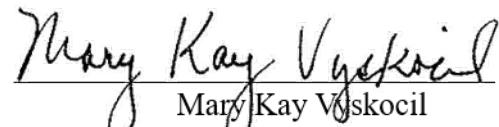
Respectfully submitted,

s/
Wynne Ngo
Assistant Corporation Counsel

cc: Ashleigh C. Rousseau, Esq.
Brain Injury Rights Group, Ltd.
Attorney for Plaintiffs

Granted. SO ORDERED.

Date: 3/2/2023
New York, New York


Mary Kay Viskocil
United States District Judge